

**CHAPTER 920
CODE OF CONDUCT
FOR PROCUREMENTS AND CONTRACTS**

This Code of Conduct is established by the Bad River Band of the Lake Superior Tribe of Chippewa Indians Tribal Council and shall govern the performance of all officers, committees and their members, employees or agents of the Bad River Band of the Lake Superior Tribe of Chippewa Indians Tribe engaged in the award and administration of all procurement or contracts. For the purposes of this Code, the term "officer" shall include members of the Tribal Council.

Section 920.1 CONFLICT OF INTEREST

- a. No officer, employee, committee member, or agent of the Bad River Band of the Lake Superior Tribe of Chippewa Indians shall participate in the selection, or in the award or administration of a procurement or contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the officer, employee, committee member, or agent; and/or
- (1) Any member of his or her immediate family; and/or
 - (2) His or her partner; and/or
 - (3) Any organization which employs, or is about to employ any of the above, has or may foreseeably develop a financial or other interest in the firm or individual selected for award of the procurement or contract.

Section 920.2 GRATUITIES OR POSITIONS OF EMPLOYMENT OR MONETARY INTEREST

No officer, employee, committee member, or agent of the Bad River Band of the Lake Superior Tribe of Chippewa Indians Tribe shall either solicit or accept gratuities, favors or anything of monetary value, including any position of employment or monetary interest from firms or contractors, potential firms or contractors, or parties to subcontracts.

Section 920.3 ACCEPTANCE OF GIFTS

- a. Officers, Employees, Committee Members, and Agents of the Tribe. An officer, employee, committee member, or agent may accept a gift from a firm or contractor seeking to do business with the Band or having interests that may be substantially affected by performance or nonperformance of the officer, employee, committee member or agent, if such is unsolicited and of nominal value (not to exceed \$10.00). Acceptance of such gifts will be limited to items used as advertising by firms or contractors. Acceptance of any other gift shall constitute a violation of this Code.
- b. Tribal Council. The Bad River Band of the Lake Superior Tribe of Chippewa Indians Tribal Council may receive such other gifts as offered by a firm or contractor after completion of a contract where no promises of the gift has been given before completion, which if accepted will be retained by the Tribe in remembrance of a program or project. In addition to the limitation on gifts, the acceptance of excessive or unusual entertainment, loans or other favors (valued in excess of ten dollars [\$10.00]) shall constitute a violation of this Chapter.

c. **Exceptions.** It shall not be a violation of this Chapter to accept the following so long as the acceptance does not influence or have the appearance of influencing the procurement or award of contracts:

- (1) Ceremonial gifts given according to traditional customs which are retained by the Tribe;
- (2) Food and refreshments of nominal value in the ordinary course of meals provided as part of meetings;
- (3) Unsolicited advertising or promotional material of nominal value;
- (4) Personal achievement awards for meritorious service of nominal value; or
- (5) Plaques or other similar items intended to memorialize or remember some program or project.

Section 920.4 VIOLATIONS

Violation of this Code of Conduct shall be prosecuted as follows.

- A. Any violation of this Code of Conduct by an officer of the Bad River Band of the Lake Superior Tribe of Chippewa Indians Community shall be handled by the Bad River Tribal Court. In the event that the officer, employee, committee member, or agent is a member the Tribal Council, the Tribal Court will review the violation and take such action against the officer(s) involved as is allowable under the Constitution and By-Laws of the Bad River Community, including possible removal from the Tribal Council according to the terms of the Constitution.
- B. Any violation of this Code of Conduct by an employee of the Bad River Band of the Lake Superior Tribe of Chippewa Indians Community will be handled in accordance with the Personnel Policies and Procedures, Chapter XIV. Discipline, reprimand, suspension, or termination may result with respect to the seriousness of the violation

Legislative History:

Adopted on 9-25-00 by Resolution #9-25-00-_____.